

REMARKS

1. The Examiner is thanked for indicating that claims 1-7, 10-11, 13, 18-19, 25, 30, 49-50, 58-59, 68-69 and 101-102 would be allowable if rewritten or amended to overcome the rejection(s) for indefiniteness under 35 USC 112, 2d para.

2a. The examiner states that claim 18, reciting "a mobile unit" and claim 19, reciting "a plant for processing organic material" are "at odds" with claim 1 reciting "a system comprising a stripper device".

The Examiner refers back to section 3(b) of the December 29, 2006 office action. However, the only additional explanation it provides is that "a dependent claim incorporates every feature of the claim from which it depends and cannot change nor orient [sic, "re-orient"? "omit"?] the limitation already recited in the independent claim".

We agree that 35 USC 112 para. 4 requires that dependent claims include all limitations of the base claim. Indeed, if a claim is dependent in form, it will be so construed unless it contains explicit limitations to the contrary. The usual test for whether a claim is a proper dependent claim is whether it could be infringed without also infringing the base claim. See MPEP 608.01(n) (III).

Claims 18 and 19 present alternative combinations comprising a common subcombination (the "system comprising a stripper device").

In claim 18 the combination is a mobile unit comprising the system of claim 1, which unit can be "connected to a fixed installation in the form of at least one fermentor and/or at least one biogas reactor". Putting a stripper device "on wheels"<sup>1</sup> clearly is in no way inconsistent with base claim 1. It is not possible to infringe claim 18 (mobile stripper device) without also infringing claim 1 (stripper device).

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<sup>1</sup> While this is a colorful way to think of it, applicants don't wish to limit claim 18 to wheels per se. There are other ways to make a unit "mobile".

In claim 19, the combination is a processing plant. In addition to the system (stripper device) of claim 1, it comprises "at least one fermentor and/or at least one biogas reactor". Neither of these is inconsistent with the plant comprising the stripper device of claim 1. It is not possible to infringe claim 19 (by providing a plant equipped with a stripper device of claim 1, plus a fermentor or reactor).

Consequently, claims 18 and 19 are proper dependent claims.

The examiner says that "the combinations of claims 18 and 19 appear to broaden (not further limit) the limitations recited in the subcombination claim 1", but does not explain how.

The Examiner states on page 4, "the omission of the details of the claimed subcombination claim 1 in the combination claims 18 and 19 is evidence that the inventions are distinct and should at least be separately claimed as independent claims in the instant application".

We do not understand this argument. Since claims 18 and 19 are dependent on claim 1, they incorporate by reference the details of claim 1. They do not "omit" those details. Indeed, if claims 18 and 19 had explicitly and redundantly recited those details, the Examiner would have raised questions against them similar to those raised by the Examiner concerning 59.

Certainly, the dependency of claims 18 and 19 on claim 1 cannot be considered "evidence" that these claims are "distinct" inventions which should (according to the Examiner) be claimed as independent claims; the same argument could be applied against any dependent claim because dependent claims routinely and deliberately do not explicitly recite details already recited in the base claims(s). Nothing in 18 or 19 explicitly excludes or broadens any element already required by base claim 1.

Rejection a) also contains the language "see also 59", which we take to mean that claim 59 is also deemed to be "at odds with" claim 1. We will address the relationship of 59 to 1 in our response to rejection b) below.

2b. The Examiner questioned claim 59 as it appeared to

recite certain elements (e.g., stripper unit<sup>2</sup>, evaporator device) already recited in the ultimate base claim 1. The Examiner questioned whether these devices differed from those recited in claim 1.

Claim 59 was directed to a plant which comprised the system of claim 1 (through intermediate claims 58, 49, 25 and 19). In essence, claim 59 limited the plant of claim 19 to require suitability for a particular use, and the seemingly redundant recitation of certain elements of claim 1 was of a limiting nature, to ensure their suitability for that use. We agree that this could have been done more clearly.

The preamble of claim 59 recited that the plant comprise "a stripper device for stripping ammonia from the reject water". The preamble of claim 1 recited that the stripper device was "for stripping volatile compounds from a liquid medium". "Ammonia" is a "volatile compound" and "reject water" is a "liquid medium".

Elements (a)-(h) of claim 59 corresponded to elements (c)-(j) of claim 1. This was not intended to imply that elements (a)-(b) of the stripper device of claim 1 was omitted, rather that there was no special adaptation of these elements required by claim 59. We agree it was confusing to relabel elements (c)-(j) of claim 1 as (a)-(h) in claim 59, but the amendment to 59 makes this moot.

Comparing the various elements of claims 1 and 59, we see that the changes between 59 and 1 were as follows:

- "aqueous liquid medium" changed to "reject water".
- "volatile compounds" changed to "ammonia"
- "first pressure below a predetermined reference pressure" changed to "a pressure below 1 bar".

Thus, they are consistent with the "use" limitation

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<sup>2</sup> Please note that claim 1 is directed to a system comprising a "stripper device", and the "stripper device" in turn comprises a "stripper unit" as well as, inter alia, an "evaporator device".

introduced by the preamble of claim 1.

In retrospect, we have decided that it is not desirable for claim 59 to be an "apparatus" claim with a "use" limitation. Claim 59 has consequently been amended to convert it into a method claim dependent on claim 68.

Since as explained above, claim 59 is not reciting a stripper device distinct from that of claim 1, the conditional drawing requirement stated in rejection b) appears to be moot.

2c. There is no conflict. The "at least one undesirable gas" of claim 7 encompasses there being one, two or more such gases. The term "each" is used in 101 to make it clear that the limitation doesn't apply to just one undesirable gas (if there is more than one) but to all of them.

2d. Claim 69 has been amended.

2e. Claim 69(c) has been amended.

2f. The "predetermined reference pressure" in claim 1 is to be interpreted in the same manner as the "predetermined reference pressure" of claim 69.

2g. The Examiner questions the term "at least about 1 bar". We believe the only occurrence of this language is in claim 68, and there we have deleted "about" for consistency with step (c).

3. We have re-introduced certain claims previously presented in the international application as filed. Correspondence is as follows:

103- 8

104- 12

105-6- 16-17

107-111- 20-24

112-116- 26-29

117-122- 32-37

123-132- 39-48

133-138- 52-57

139-144- 60-65

145-175- 70-100.

Note however, that claim 139 omits the final limitation of prior claim 60 because that limitation was qualified as "preferably". Likewise, claim 167 omits the "preferably" limitation of prior claim 92, and 169 and 173 the "such as" limitation of prior claims 94 and 98.

4. We have amended claim 1 to delete the references to elements d) and f) as "steps".

We have amended claim 25 to delete the label "iii)," as the referenced fermentor or biogas reactor is already an element of base claim 19, and the final limitation relates to the functional relationship of the new elements i) and ii) to the fermentor or biogas reactor.

Claim 58 is amended to recite that the plant further comprises means for diverting the liquid fraction from the decanter centrifuge to the stripper device.

Respectfully submitted,

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